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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
Southern District of California

SAN DIEGO MINUTEMEN, An
Unincorporated Association,

Plaintiff,

vs.

CALIFORNIA BUSINESS,
TRANSPORTATION AND HOUSING
AGENCY'S DEPARTMENT OF
TRANSPORTATION; DALE BONNER
in his Official Capacity as Agency
Director, Business, Transportation and
Housing Agency; WILL KEMPTON in
his Official Capacity as CalTrans
Director; PEDRO ORSO-DELGADO in
his Official Capacity as Caltrans District
Director and DOES 1 through 50,

Defendants.

Case Number: 08 CV 0210 WQH RBB

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: To be Set by Court
Hearing Time: To be Set by Court
Court: Courtroom 4

TO THE PARTIES AND THEIR RESPECTIVE COUNSEL HEREIN:

NOTICE IS HEREBY GIVEN THAT on _____ at _____, or
as soon thereafter as counsel may be heard by the above-entitled Court, located at 940 Front
Street, San Diego, California, in the courtroom of the Hon. William Q. Hayes, Plaintiff will
and hereby does move the Court for a preliminary injunction against Defendants, and each

1 of them, which, pending this Court's final determination of the claims asserted by Plaintiff herein:

- 2 1. Requires Defendants to restore the encroachment permit No. 11-07NAH0586 granted
3 to Plaintiff for Location ND 5: SD66.3-SD68.3 (freeway section) in all respects as
4 originally issued; and
- 5 2. Re-erect the Adopt-a-Highway sign bearing the name of plaintiff SAN DIEGO
6 MINUTEMEN at that location.

7
8 This motion is brought on the grounds that Plaintiff is entitled to the injunctive relief
9 requested herein because Plaintiff has a strong likelihood of success on the merits and will suffer
10 irreparable injury absent such relief. Further, serious questions are raised and the balance of
11 hardships tips sharply in favor of Plaintiff.

12
13 This motion is based on the instant motion, the accompanying Memorandum of Points
14 and Authorities, the Declaration of Jeff Schwilk previously filed herein [Doc. #2, Attachment
15 #1], the pleadings and papers on file herein, and upon such other matters as may be presented
16 to the Court in writing or at the time of the hearing hereon.

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18 DATED: February 25, 2008

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20
21 /s/ Lowell Robert Fuselier
22 Lowell Robert Fuselier
23 Kaloogian & Fuselier, LLP
24 Attorneys for Plaintiff,
25 SAN DIEGO MINUTEMEN
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